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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jonathan Spetner

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06/03/2004

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EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,862	Applicant(s) SPETNER ET AL.	
	Examiner Ernesto Garcia	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 18 is objected to because of the following informalities:

regarding claim 18, "the operation of" in line 7 should be deleted as the vendor controls the screens, "operation of" in line 10 should also be deleted, and the first occurrence of "the" in line 10 should be --a--. Furthermore, the recitation of the last step is unclear whether controlling the screens inclusively requires all three levels of control to occur at once, in sequence, or in the alternative. The use of the term "and" in line 11 makes the different levels to be occurring at the same time or sequential in one process. The examiner is questioning whether the clause should be in the alternative form as in controlling the screens can be sending screens to the customer computer, controlling the web program, or capturing complete control of the customer. Appropriate correction is required.

Specification

The disclosure is objected to because of the following informalities: the language of the claims and the specification are not consistent. Line 11 of page 16 states a first level of control being the computer system sending displays" while claim 1 states a first level of control being the computer system sending screens". Furthermore, page 11, in

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lines 11, 16, 18, 20 and 23, states "boxes 116-122" which includes boxes 117, 119 and 121 not shown in Figure 5. Reference to 116-122 includes a range of components which are not all inclusive in the figures. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Thean et al., 6,397,036.

Regarding claim 18, Thean discloses a method comprising:

provide a website of a vendor over an internet;

allow a customer to access the website by using a customer computer to view screens (web pages) relating to goods and services offered by the vendor;

display a phone number for a customer to call and obtain further information relating to the goods and services offered by the vendor;

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connect a telephone call between the customer and a representative of the vendor; and,

control ~~the operation of~~ the screens presented to the customer computer (col. 4, lines 33-37);

control includes different levels of control; a first level of control includes sending screens to the customer computer; a second level of control comprising control the web enabled program of the computer, and a third level of control comprising capturing complete control of the customer. Note, since applicant's inventions requires the use of Placeware™ software and Thean et al. use the same software (col. 2, lines 8-12), it is inherent that the same software will include the different levels of control.

Regarding claim 19, the representative inputs information to be presented to the customer.

Regarding claim 20, Thean et al. teach the method further includes finalizing a purchase of goods and services. Note, since Thean et al. teach the invention for sales conferences (col. 10, line 12), it evident that some sales will occur.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 7-9, 11, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino, 5,231,571, in view of Thean et al., 6,397,036.

Regarding claim 1, D'Agostino discloses a system comprising a computer **14**, a computer system **12**, a telephone connection **18** between the computer **14** and the computer system **12**. The computer **14** has an enabled program **64**. The computer system **12** comprises means **66** for controlling operation of the computer **14**. The controlling means **66** comprising different levels of control. The different levels of control comprise a first level, a second level, and a third level. The first level of control comprises sending screens to the computer **14** (col. 17, lines 1-5). The second level of control comprises the computer system **12** controlling operation of the enabled program (col. 10, lines 35-39). The third level comprises the computer system **12** capturing complete control of the computer (col. 16, lines 23-37 states that the representative has complete control of the computer as the representative enters the information and then later prints an application containing data of the customer; col. 17, lines 1-5).

However, the D'Agostino fails to disclose the enabled program being a web enabled program. Thean et al. teach, in Figure 1, a system comprising a computer **30** having an enabled program being a web enabled program to see visual portions of streaming video using "push" technology via the worldwide web (col. 5, lines 57-59).

Therefore, as taught by Thean et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to transform the enabled program into a web enabled program to see visual portions of streaming video.

Applicant is reminded that computer 14 is able to access an Internet. The computer system 12 is able of being accessed by the computer over the internet. The computer system is for providing screens to the computer once the computer accesses the computer system with such screens able to provide information and a phone number. The information relates to the products and services being offered for sale by the computer system. The phone number is for contacting a representative of the computer system.

Regarding claims 3 and 11, as modified above, the computer system further comprises a software program 70 for generating a quote based upon displayed information and for sending the quote to the web enabled program (col. 11, lines 3-11; col. 16, lines 41-47).

Regarding claims 4 and 12, D'Agostino discloses the controlling means 66 comprises another level of control comprising sending information from the computer system to the computer (data is sent to the customer computer 14). However, the information does not include an audio file, a video clip, or a slide show presentation. Thean et al. teach information includes an audio file, a video clip, or a slide show

presentation for product demonstrations or financial services (col. 4, lines 56-63).

Therefore, as taught by Thean et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the information be an audio file, video clip, or a slide show presentation to present financial services, products, or both.

Regarding claim 7, a representative is capable of inputting information to be displayed on the computer capable of accessing an Internet.

Regarding claims 8 and 17, the computer system **12** further comprises a computer having a display **44** having a first window which is representative of a screen provided to the computer and a second window containing other information (col. 13, line 68 to col. 14, line 2). The first window and the second window being displayed simultaneously in the display. Column 10, in lines 35-42, states that two operations are occurring. One window allows menu control while another window displays what is shown on display **24**, thus two windows. The alternative will be the window that displays the product and the logo window that appears on every screen shot (Figs. 9B, 9C, 9D, 9F, 9N, 9O).

Regarding claim 9, D'Agostino discloses a system comprising a customer computer **14**, a customer telephone **30A**, a vendor computer system **12**, a vendor telephone **52**, and a telephone connection **16** between the customer telephone **30A** and the vendor telephone **52**. The customer computer **14** comprising a display **24**. The

computer system **12** comprises a means **72** for controlling operation of the customer computer **14**. The vendor computer system **12** comprises means **66** for controlling operation of the customer computer **14**. The controlling means **66** comprising different levels of control. The different levels of control comprise a first level, a second level, and a third level. The first level of control comprises sending screens to the customer computer **14** (col. 17, lines 1-5). The second level of control comprises the vendor computer system **12** controlling operation of the enabled program (col. 10, lines 35-39). The third level comprises the vendor computer system **12** capturing complete control of the customer computer (col. 16, lines 23-37 states that the representative has complete control of the customer computer as the representative enters the information and then later prints an application containing data of the customer; col. 17, lines 1-5).

However, the D'Agostino fails to disclose the enabled program being a web enabled program. Thean et al. teach, in Figure 1, a system comprising a computer **30** having an enabled program being a web enabled program to see visual portions of streaming video using "push" technology via the worldwide web (col. 5, lines 57-59). Therefore, as taught by Thean et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to transform the enabled program into a web enabled program to see visual portions of streaming video.

Applicant is reminded that the customer computer is able to access an internet. The vendor computer is able to being accessed by the customer computer over the

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internet. The vendor computer system is for providing a series of screens to the customer computer once the customer computer accesses the vendor computer system with such screens able to provide information relating to products and services being offered for sale by the vendor computer system and a phone number for contacting a representative of the vendor computer system.

Regarding claim 16, as modified above, the vendor computer system **12** has another level of control is controlling ~~operation of~~ the web enabled program to navigate about a web site. However, the vendor computer system does not have the website but a screen or a display. Thean et al. teach a vendor computer system having a website (Fig. 12) to place a conference to demonstrate services for marketing (col. 10, lines 4-12). Therefore, as taught by Thean et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a web site in the vendor computer system to demonstrate services or products for sale.

Claims 5, 6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino, 5,231,571, in view of Thean et al., 6,397,036, as applied to claims 1, 3, and 4 above, and further in view of Szymansky, 6,557,029.

Regarding claims 5 and 13, D'Agostino, as discussed above, discloses the telephone connection **16** not being a wireless connection. Applicant is reminded that wireless connections have been known for years (see Szymansky). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to convert the telephone connection **16** into a wireless connection.

Regarding claims 6 and 14, given that D'Agostino uses a computer as a terminal (col. 8, lines 13-15) and suggests that other low cost microcomputers can be used (col. 8, lines 29-36). One of ordinary skill in the art will use a PDA as a handheld computer to access the web as taught by Szymansky. Note, PDAs qualify as a low cost microcomputers. Therefore, as taught by Szymansky, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose the computer to be a hand held computer.

Regarding claim 15, given that D'Agostino uses a customer computer as a terminal (col. 8, lines 13-15) and suggests that other low cost microcomputers can be used (col. 8, lines 29-36). One of ordinary skill in the art will use a PDA as a handheld computer to access the web as taught by Szymansky. Note, PDAs qualify as a low cost microcomputers. Therefore, as taught by Szymansky, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose the computer to be a hand held computer.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 4,-9 and 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

May 25, 2004



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